

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTINE ELICK,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 08-1700
)	
FORD MOTOR COMPANY,)	
)	
Defendant.)	

ORDER

AND NOW, this 25th day of October, 2010, upon consideration of Plaintiff's Motion for Reconsideration (document No. 258, errata at document No. 259) filed in the above captioned matter on October 25, 2010,

IT IS HEREBY ORDERED that said Motion for Reconsideration is GRANTED.

Upon Reconsideration, IT IS HEREBY ORDERED that this Court's Order entered October 25, 2010, granting Defendant's Motion in Limine to Preclude Hearsay Testimony of Rona Elick is AFFIRMED.

Federal Rule of Evidence 701 does not permit Rona Elick to testify regarding the future medical care and costs of the Plaintiff. First, Rule 701 applies only to opinion testimony by lay witnesses. Defendant's Motion in Limine to Preclude Hearsay Testimony of Rona Elick (Doc. No. 255) sought to prevent Ms. Elick from testifying as to what she had been told regarding Plaintiff's future medical care needs and costs by Dr. Brenes and Mr. Zak. Testifying as to what Dr. Brenes or Mr. Zak told her about such future care and costs is not opinion testimony, it is simply reporting their

statements. As this Court has already held, this would constitute impermissible hearsay testimony under Federal Rule of Evidence 802.

Moreover, even if the proposed testimony at issue did constitute opinion evidence governed by Rule 701, the testimony would not be permissible. Rule 701 specifies that, for lay opinion testimony to be admissible, it must not be based on scientific, technical, or other specialized knowledge within the scope of Federal Rule of Evidence 702. Testimony regarding the Plaintiff's future medical needs does indeed require scientific, technical, or specialized medical knowledge within the scope of Rule 702. Providing home care and being involved in medical decisions for the Plaintiff in no way qualifies Ms. Elick to render such an opinion.

Accordingly, the Court affirms its prior Order.

s/Alan N. Bloch
United States District Judge

ecf: Counsel of record